

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

REED SAILOLA, *
Plaintiff, *
VS. * CASE NO. *
MUNICIPAL SERVICES BUREAU * 1:13-cv-00544 HG-RLP
AND *
JOHN DOES (1-50), * JURY TRIAL REQUESTED
Defendants. *

ORAL DEPOSITION OF

MICHAEL DORN

NOVEMBER 17, 2014

ORAL DEPOSITION OF MICHAEL DORN, produced as a
witness at the instance of the Plaintiff and duly sworn,
was taken in the above styled and numbered cause on the
17th day of November, 2014, from 3:01 p.m. to 7:00 p.m.,
before GERRI C. RICHARD, CSR in and for the State of
Texas, reported by machine shorthand, at the law offices
of Smith, Robertson, Elliott & Douglas, LLP, 221 West
6th Street, Suite 1100, Austin, Texas, pursuant to the
Federal Rules of Civil Procedure.

APPEARANCES

FOR THE PLAINTIFF:

MR. JUSTIN A. BRACKETT
ATTORNEY AT LAW
1888 Kalakaua Avenue, Suite C-312
Honolulu, Hawaii 96815
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MR. RICHARD L. HOLCOMB
HOLCOMB LAW, LLC
1136 Union Mall, Suite 808
Honolulu, Hawaii 96813
(808) 545-4040
rholcomblaw@live.com

FOR THE DEFENDANTS:

MR. A. LEE RIGBY
SMITH, ROBERTSON, ELLIOTT & DOUGLAS, LLP
221 West 6th Street, Suite 1100
Austin, Texas 78701
(512) 225-5800
lrigby@smith-robertson.com

MR. GLENN T. MELCHINGER (via telephone)
ALSTON HUNT FLOYD & ING
1001 Bishop Street, Suite 1800
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(808) 524-1800
gmelchinger@ahfi.com

ALSO PRESENT:

MR. AARON MILLION

1 Q. In order to refresh your recollection, I'm
2 going to bring in Defense -- or, I'm sorry, Plaintiff's
3 Exhibit 3 to this deposition.

4 (Exhibit No. 3 marked)

5 Q. Do you recognize this communication?

6 A. No. No. I don't.

7 Q. Did you type this up?

8 A. No.

9 Q. Do you know who typed it up?

10 A. No.

11 Q. Okay. What did the collector do wrong in this
12 communication?

13 MR. RIGBY: Objection. Calls for
14 speculation. It also lacks foundation.

15 MR. BRACKETT: In order to authenticate
16 this, I would like to play the recording of the call.

17 MR. HOLCOMB: And note it was filed by the
18 Defendant.

19 MR. BRACKETT: And also I would like to
20 note for the record that this document was filed by the
21 Defendant MSB, and it's Document No. 30-2 in this case.

22 (Recording played)

23 Q. Was that your voice?

24 A. Yes.

25 (Brief Interruption)

1 Q. So was that your voice?

2 A. Yes, that's my voice.

3 Q. Is there anything in this transcript incorrect?

4 A. I mean, it was the tape. Everything that was
5 on the tape is on this transcript.

6 Q. So the transcript is accurate?

7 A. Yes.

8 Q. Okay. Did Mr. Sailola tell you he had an
9 attorney?

10 A. He said he had an attorney.

11 Q. Did you keep trying to collect from him after
12 he told you he was represented by an attorney?

13 A. He didn't say he was represented by an
14 attorney. He had an attorney.

15 Q. Did you try to keep collecting from him after
16 he told you he had an attorney?

17 A. Yes.

18 Q. Did you tell him -- or did he tell you the name
19 of his attorney?

20 A. I didn't understand what he was saying.

21 Q. Did you ask for the name of his attorney?

22 A. No.

23 Q. Why not?

24 A. Because he's not telling me that he's going
25 to -- this case has been filed with an attorney. He

1 I, MICHAEL DORN, have read the foregoing
2 transcript and hereby affix my signature that same is
3 true and correct, except as noted above.

4
5 _____
6 MICHAEL DORN
7

8 THE STATE OF TEXAS) (
9 COUNTY OF _____) (
10

11 Before me, _____, on
12 this day personally appeared MICHAEL DORN, known to me
13 (or proved to me under oath or through _____)
14 (description of identity card or other document) to be
15 the person whose name is subscribed to the foregoing
16 instrument and acknowledged to me that they executed the
17 same for the purposes and consideration therein
18 expressed.

19 Given under my hand and seal of office this
20 _____ day of _____, ____.

21
22
23
24 _____
25 Notary Public in and for
The State of Texas

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CASE NO.

1:13-cv-00544 HG-RLP

JURY TRIAL REQUESTED

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TELEPHONE CONVERSATION WITH MICHAEL

MSB: Thank you for calling. This is Michael with Municipal Services Bureau. This call may be recorded. How can I help you?

PLTF: Hello?

MSB: Hello?

PLTF: Hello?

MSB: Hello? This is Michael with Municipal Services Bureau. This call may be recorded. How can I help you?

PLTF: I don't know. Somebody was trying to call me.

MSB: OK sir. We did call [redacted] for a Reed Wade Sailola?

PLTF: Yeah.

MSB: OK sir, we was calling you on behalf of the First Judicial Court of Hawai'i regarding a DUI. For security purposes, can you verify your date of birth?

PLTF: What was that again?

MSB: Excuse me?

PLTF: [unintelligible] You can say, I didn't hear you.

MSB: I said we was calling you from, on behalf of the First Judicial Court of Hawai'i regarding a DUI. For security purposes, can you verify your date of birth?

PLTF: Um...[redacted].

MSB: OK, and the number we called you on, sir, is that a good number to reach you?

PLTF: Yes.

MSB: OK, your fine on that DUI sir, is six hundred twenty dollars and sixty-one cents. Will you be taking care of that by credit card or debit card today?

EXHIBIT " A "



PLTF: What was this DUI? I thought I had my attorney, John Burge...

MSB: Excuse me?

PLTF: What was this DUI for?

MSB: This is a DUI impairment Breathalyzer. It was your first offense, uh, occurred on August 7, 2011. And are you still located sir, at [redacted] in Honolulu?

PLTF: Yes.

MSB: OK. And will you be taking care —

PLTF: No, wait. Wait, what was this fine for?

MSB: A DUI impaired Breathalyzer, first offense, on August 7, 2011.

PLTF: I got to go talk to my attorney.

MSB: OK. And you do have our telephone number to give us a call back, sir?

PLTF: Yeah. I'll call back.

MSB: And do you know when you'll be taking care of this fine?

PLTF: I don't know. What was this fine for but?

MSB: DUI, sir. Driving under the influence.

PLTF: Alright, OK, I'll talk to my attorney. Okay, bye.

MSB: OK, thank you.